

OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

14003778

Case Number

Offense: PC 245 (c) Assault with a Deadly Weapon

Date of offense: 03/22/14

Victim: Baird, Brandon

Suspect: Lake, Brandon

INVESTIGATIVE ACTION

**1300 Block Moreno Way
Oceanside, California**

On 03/22/2014 at approximately 2237 hours, Officer Brandon Baird attempted to stop a white Honda Accord, CA [REDACTED] at Vista Way and Lincoln Street, Oceanside for a traffic violation. The driver failed to yield to Officer Baird and a vehicle pursuit ensued at 2238 hours. At approximately 2239 hours, the suspect vehicle collided with Officer Baird's vehicle on Moreno Way. Following a second collision with Officer Baird's vehicle, Officer Baird fired his duty weapon 3 times at the suspect vehicle. The suspect fled the scene in his vehicle and after another police pursuit; the suspect vehicle collided with a pole on Alvarado St at California St rendering the vehicle inoperable. The suspect fled from the vehicle on foot and was quickly apprehended and arrested. Officer Baird remained on scene at Moreno Way as his vehicle was inoperable.

At 2305 hours I was notified by Sgt. Favela of an Officer Involved Shooting that took place in the City of Oceanside. I responded from my home and arrived at the police station at approximately 2350 hours. After a brief from the assembled initial responders, I was assigned as Primary Investigator, Detective Dunn as my partner and Detective Davis as the Crime Scene Manager. After conducting a walkthrough of the primary scene (where collision between suspect vehicle and Officer Baird's vehicle occurred) and the secondary collision scene (where suspect vehicle collided with pole and came to rest), Detective Dunn and I interviewed Officer Baird.

At approximately 0250 hours (on 03/23/14), Detective Dunn and I interviewed Officer Baird. Officer Baird was accompanied by attorney Rick Pinckard. The interview was conducted in an interview room located inside the OPD Investigations Division. The interview was audio recorded. Officer Baird appeared composed and alert.

INTERVIEW WITH OFFICER BAIRD

Officer Baird acknowledged he was feeling "ok." He explained he was currently working the "graveyard" shift in the Patrol Division. He stated he'd been working the same shift/hours for two years and was well acclimated to the hours. At the beginning of this specific shift Officer Baird explained he felt "perfectly fine" and "energetic." Officer Baird started the

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shift at 1830 hours with a shift briefing. He remained in the station until approximately 2000 hours writing reports and other paperwork. When he did go out into the field he explained he had two radio calls and did a pedestrian stop/contact. Officer Baird explained the shift wasn't extremely busy.

Prior to the incident, (which Officer Baird believed occurred around 2200 hours) Officer Baird was parked on Freeman Street, facing southbound, at the intersection with Vista Way. He explained he was monitoring traffic coming off of Vista Way onto Coast Hwy. Officer Baird heard the sound of a car "peeling" out. He explained it wasn't an accidental screech of tires; it was a full second screech which indicated to him an Exhibitionist Speed violation. Officer Baird looked toward the sound and saw a white Honda vehicle, driven by a Hispanic male, move from south bound Coast Hwy onto east bound Vista Way. The vehicle passed Freeman Street where Officer Baird was parked. Officer Baird immediately drove behind the white Honda and activated his overhead emergency lights. Officer Baird explained he quickly knew the subject was not going to yield. I asked him how he knew this. He explained if a person is going to yield he almost always sees some acknowledgement of his presence. This will usually be indicated by the immediate application of breaks (evident by break lights) and slowing by the suspect vehicle. Officer Baird saw none of this from the white Honda and instead, saw the vehicle accelerating. Officer Baird transmitted over his police radio, "Emergency Traffic." He additionally advised he was in "pursuit" and "east bound Vista Way." Officer Baird believed the suspect would get onto Hwy78 however, he did not. Officer Baird followed the suspect as he continued down Vista Way and then onto residential side streets. He estimated the suspect traveled at approximately 50 MPH down Vista Way and then between 30-50 MPH down the side streets. Officer Baird explained large drainage ditches on the side streets normally preclude cars from traveling that fast. The suspect vehicle was traveling so quickly the car's metal undercarriage was creating sparks it hit the drainage culverts.

The suspect vehicle was able to lengthen the distance from Officer Baird's vehicle as Baird was attempting to avoid scraping the undercarriage of his car on the culverts. Officer Baird was able to catch up with the suspect vehicle when it appeared the suspect was unsure of his surroundings or where he wanted to go. Officer Baird transmitted the license plate of the suspect vehicle over his police radio. The suspect vehicle turned onto Moreno Way. As Officer Baird turned onto Moreno Way, he saw the suspect vehicle stopped and "engaged" with a palm tree/wooden planter type berm. Officer Baird believed the suspect had been involved in a collision and relayed that information over his police radio. The suspect vehicle moved forward however, and collided with the front end of Officer Baird's police vehicle. Officer Baird began

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to get out of his vehicle when the suspect vehicle reversed and then moved forward causing the front end of the suspect vehicle to strike the front end of Officer Baird's patrol vehicle a second time. Officer Baird explained during the second strike he had been standing in the apex (when car door is open, the gap between where door meets the body of the vehicle) of his open car door. When the suspect vehicle struck the patrol vehicle a second time, the patrol car was pushed back and the open patrol vehicle door struck Officer Baird's face. Baird described being momentarily shocked and distracted. The suspect vehicle backed up again. Officer Baird recalled feeling he didn't have anywhere to go if the suspect drove forward again. Baird stated he wouldn't go (further) into the street and he wasn't going back inside his patrol vehicle. Baird knew at that point if the suspect were to drive forward he (Baird) needed to stop the threat. Officer Baird explained he believed if the suspect drove forward and struck the patrol car door, he (Baird) would be dead or disabled.

Officer Baird heard the suspect vehicle's engine "rev" and saw the suspect vehicle begin driving forward. Baird fired three rounds, from his duty weapon, toward the suspect vehicle. Baird explained he was aware of his backdrop and fired "low" and into the driver compartment of the suspect vehicle. The vehicle did not hit him, swerved around him and drove from the area. Officer Baird transmitted on his hand held radio, "Shots fired" and "I'm OK." He also advised the suspect's condition was unknown and he (suspect) fled the area. Residents from nearby homes began coming into the street. They asked if Officer Baird were OK and told him they had seen what had happened. Baird ensured the residents of the homes located immediately down range of the bullets he'd fired were not injured. He asked the citizens in the street to move onto their yards in order to preserve the crime scene.

Officer Baird realized his hand held radio was not working as he couldn't hear any transmissions from dispatch or other officers. He got into his patrol vehicle to use the radio. He wanted to determine if the patrol vehicle was operable and placed the vehicle in the drive position. He moved the vehicle forward into the position where it was found by investigators.

I showed Officer Baird an aerial photograph depicting the area of 1300 Moreno Way. Officer Baird showed me the direction in which he'd entered the cul-de-sac. He indicated where the suspect vehicle had been stopped (the vehicle was facing North West along the south curb line of the 1300 block of Moreno Way) when he (Baird) entered the street. Officer Baird believed the suspect vehicle had collided with a palm tree/berm along that curb line. Officer Baird stopped his vehicle facing east bound along the south curb line. Officer Baird again recounted how the suspect vehicle accelerated forward (from its stopped position) and struck the

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front end of Baird's car (head on collision). The suspect backed and struck Baird's vehicle a second time (head on collision). Standing in the apex of his open doorway, Officer Baird was struck in the face by his car door when the suspect vehicle struck him a second time. Officer Baird articulated he had "no place to go" if the suspect backed again. The suspect backed again and when he began driving forward, Officer Baird fired three times at the suspect vehicle. Officer Baird articulated based on the prior two strikes; he believed the suspect vehicle was going to strike him again and he (Baird) needed to end the threat.

I asked Officer Baird if the suspect vehicle's headlamps were functioning. Baird recalled the headlamps functioning and on when he (Baird) initially saw the car on Vista Way. Baird was unsure if the headlamps were still functioning after striking the patrol car. I asked Officer Baird about the lighting in the cul-de-sac. Baird recalled adequate lighting. He stated it was night time and dark however, with the street lamp he (Baird) could see what was going on.

I asked Baird what his vehicle position was in the roadway. He explained his car was closer to the center of the roadway, especially with his open car door. When the suspect vehicle accelerated toward him a third time, Officer Baird felt the suspect vehicle was moving directly toward him. He reiterated he didn't know the suspect's intent, only that he'd been struck twice by the suspect vehicle and he (Baird) felt at the very least, that the second strike was deliberate.

Officer Baird stated when the suspect vehicle moved forward for the third time, the vehicle did not strike him. Baird had already made the decision to shoot as the vehicle moved toward him and even as the vehicle was moving past him as he was unsure if the suspect would swerve into him or make some other move to strike him as he drove past. Baird recalled the suspect vehicle coming approximately 3-8 feet from his open car door. Once the suspect vehicle was completely past him, Officer Baird stopped shooting as the car was no longer a threat.

Officer Baird reiterated numerous neighbors coming out of their homes asking if he were OK. They stated they had witnessed the incident and saw the suspect "ram" the police car.

Officer Baird denied making any verbal commands to the suspect during the incident.

The interview concluded at approximately 0325 hours.

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